

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

ROBERT ROBINSON,  
-Petitioner,

v.

UNITED STATES OF AMERICA  
-Respondent

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FILED

Case No.: 11-cr-00147-ML-LDA-1

U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

MOTION TO VACATE AND REINSTATE JUDGEMENT

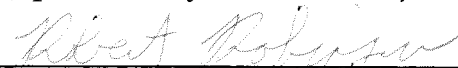
The petitioner, Robert Robinson, pro se, respectfully requests that the court vacate and reinstate its February 28, 2017 judgement pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure, for the following reasons:

1. The Court denied the petitioner's motion under 28 U.S.C. § 2255 on February 28, 2017.
2. A review of legal mail log book, maintained by prison officials will confirm that the petitioner has received no mail from the Court, since the February 28, 2017 decision.
3. The petitioner desires to file an appeal to the United States Court of Appeals for the First Circuit from this court's February 28, 2017 decision.
4. The petitioner never received a copy of the Court's February 28, 2017 decision.
5. The petitioner did not become aware of the Court's February 28, 2017 decision until September 30, 2017 when his mother, Tina Robinson, advised him that the Court's February 28, 2017 decision was seen on a legal website.
6. Relief from judgement under Rule 60(b)(6) is proper to afford a party who has been unfairly denied the right to file an appeal, the opportunity to file a timely appeal. See Norwood v. United States, 2011 U.S. Dist LEXIS 75530 (C.D.N.J.) (restoring § 2255 petitioner's right

to appeal where due to an administrative error by the Clerk's office, petitioner did not receive Court's decision denying \$2255 Motion.) and Burkett v. Cunningham, 826 F.2d. 1208, 1216-1217 (6th Cir. 1987) (Granting motion to vacate and reinstate judgment where party was unfairly denied right to appeal).

Wherefore, the petitioner requests that the Court vacate and reinstate its February 28, 2017 order so that he can pursue a timely Notice of Appeal.

Respectfully Submitted,

  
Robert Robinson, pro se  
Reg No.: 05065-070  
33½ Pembroke Rd.  
Danbury, CT 06811

Dated: October 6, 2017

#### PROOF OF SERVICE

This is to certify that a copy of this document has been mailed to U.S. Attorney, District of Rhode Island, 50 Kennedy Plaza 8th Floor Providence, RI 02903, This 6th Day of October 2017.

  
Robert Robinson